



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 09/26/06

AGENDA ITEM 3

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Urbano Way Pavement Reconstruction and Reimbursement Procedure

RECOMMENDATION:

It is recommended that the City Council direct staff to reconstruct Urbano Way and seek reimbursement of construction costs by placing on adjacent properties a lien that would be paid during property transfer.

DISCUSSION:

Urbano Way is a private parcel used by adjacent residents for ingress and egress to their properties. Records from the County Assessor's office show that the parcel belonged to J.N. Ramos; however, due to nonpayment of delinquent taxes, the parcel was sold to the State of California. It was later conveyed back to J.N. Ramos, as the parcel had no monetary value and the State did not want to assume any potential liability. Staff has not been successful in its efforts to locate J.N. Ramos. In addition to the establishment of an easement for roadway purposes on this parcel, PG&E has an easement for pipeline purposes.

This road has had some improvements throughout its history. These included the construction of a sanitary sewer and replacement of a water line. At some point, the City established Official Grades for a street on this parcel with curb, gutter, and sidewalk. The Official Grades showed a section for a 30-foot right-of-way with a 20-foot curb-to-curb street section as well as a 4.5-foot-wide sidewalk on both sides. Although the curb, gutter, sidewalk, and pavement were constructed, there is no record of who performed the work. However, the existing improvements do not meet the City's minimum public street standards or private street minimum width requirements for emergency service vehicles.

Over time and due to lack of maintenance, the pavement condition has significantly deteriorated. The pavement shows a high degree of distress with depressions, alligator cracks, block cracking, raveling, and huge potholes. Essentially, it is now more like an unpaved road. These conditions pose a public safety hazard, as the conditions make it difficult or impossible for emergency service vehicles to provide timely responses to emergency calls. This has resulted in numerous requests and petitions from several property owners along Urbano Way to have the City take responsibility for maintenance.

The condition of Urbano Way's pavement requires reconstruction. This involves the removal of six inches of the existing pavement section and replacing it with a 6-inch full depth asphalt concrete section. The estimated cost for this work is \$50,000.

The City does not have the duty to do work on private property. It may, however, enter such property to abate nuisance situations concerning public health and safety. For this reason, staff is presenting this issue before the City Council for direction. Staff recommends that each property owner pay for a pro-rata share per dwelling unit for the cost of reconstruction. This is a fair approach to divide the cost of construction among property owners, since each property owner has access to Urbano Way and one property owner has two dwelling units. To mitigate the immediate burden of this cost to property owners, staff is proposing to place the pro-rata share for each property owner as a lien on the property. Payment shall become due and payable only upon transfer of property ownership. The cost per dwelling unit will be \$5,000.

On September 6, 2006, staff held an informational meeting with property owners on Urbano Way to discuss the reconstruction of Urbano Way and the payment procedure discussed above. Representatives for all but two of the nine property owners attended the meeting; those two owners were subsequently contacted. Staff explained the proposed program for reconstructing Urbano Way, as described earlier, and provided both right of entry and grant of lien documents for review and signature. All of the property owners have since agreed that the reconstruction of Urbano Way should proceed as described above and have executed the applicable documents.

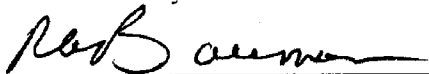
Should the City Council direct staff to proceed with the reconstruction of Urbano Way, staff proposes to add the work to the current and ongoing Pavement Reconstruction Project involving the reconstruction of other streets in the City. This approach will expedite completion of the work prior to the winter rainy season. The project has a sufficient change order amount to cover this work. In the future, when payments are received as properties are resold, the Street System Improvement Fund will be reimbursed.

Prepared by:



Morad Fakhrai, Deputy Director of Public Works

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A: Site Plan

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**